

By: Representatives Oliver, Bain

To: Constitution

HOUSE BILL NO. 550

1 AN ACT ENTITLED THE "SECOND AMENDMENT PRESERVATION ACT"; TO  
 2 PROVIDE THAT THE MISSISSIPPI LEGISLATURE PREEMPTS THE LAW OF  
 3 FIREARMS, COMPONENTS, AMMUNITION AND FIREARM SUPPLIES TO THE  
 4 COMPLETE EXCLUSION OF ANY ORDER, ORDINANCE OR REGULATION BY ANY  
 5 POLITICAL SUBDIVISION OR MUNICIPALITY OF THIS STATE; TO PROVIDE  
 6 THAT THE COMPREHENSIVE FIREARMS CODE OF THE STATE OF MISSISSIPPI  
 7 IS INTERPOSED IN PLACE OF ANY FEDERAL LAW CONFISCATING FIREARMS OF  
 8 LAW-ABIDING CITIZENS; TO BRING FORWARD SECTIONS 45-9-51, 45-9-53  
 9 AND 45-9-101, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CONDITIONS  
 10 ON CARRYING CONCEALED WEAPONS; TO BRING FORWARD SECTIONS 97-37-7  
 11 AND 97-37-9, MISSISSIPPI CODE OF 1972, WHICH PROVIDE CONDITIONS  
 12 AND PENALTIES FOR CARRYING CONCEALED FIREARMS AND DEADLY WEAPONS;  
 13 AND FOR RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 **SECTION 1.** This section shall be known and may be cited as  
 16 the "Second Amendment Preservation Act."

17 **SECTION 2.** (1) The Mississippi Legislature hereby occupies  
 18 and preempts the entire field of legislation touching in any way  
 19 firearms, components, ammunition and supplies to the complete  
 20 exclusion of any order, ordinance or regulation by any political  
 21 subdivision of this state. Any existing or future orders,  
 22 ordinances or regulations in this field are hereby and shall be



23 null and void except as provided in subsection (3) of this  
24 section.

25 (2) No county, city, town, village, municipality, bureau,  
26 other legal entity or other political subdivision of this state  
27 shall adopt any order, ordinance, rule, policy or regulation that  
28 attempts to ban, delay, deny or impose additional entry  
29 requirements for concealed firearms or otherwise impede or  
30 "shadow" a license holder with a concealed firearm or concerning  
31 in any way the sale, purchase, purchase delay, transfer,  
32 ownership, use, keeping, possession, bearing, transportation,  
33 licensing, permit, registration, taxation other than sales and  
34 compensating use taxes or other controls on firearms, components,  
35 ammunition, and supplies except as provided in subsection (3) of  
36 this section.

37 (3) Except as provided in this subsection, nothing contained  
38 in this section shall prohibit any ordinance of any political  
39 subdivision which conforms exactly with any of the provisions of  
40 Sections 45-9-51, 45-9-53, 45-9-101, 97-37-7 and 97-37-9,  
41 Mississippi Code of 1972, with appropriate penalty provisions, or  
42 which regulates the open carrying of firearms readily capable of  
43 lethal use or the discharge of firearms within a jurisdiction.

44 (4) The lawful design, marketing, manufacture, distribution,  
45 or sale of firearms or ammunition to the public is not an  
46 abnormally dangerous activity and does not constitute a public or  
47 private nuisance.



48 (5) No county, city, town, village or any other political  
49 subdivision nor the state shall bring suit or have any right to  
50 recover against any firearms or ammunition manufacturer, trade  
51 association or dealer for damages, abatement or injunctive relief  
52 resulting from or relating to the lawful design, manufacture,  
53 marketing, distribution, or sale of firearms or ammunition to the  
54 public. Provided, however, that nothing in this section shall  
55 restrict the rights of individual citizens to recover for injury  
56 or death caused by the negligent or defective design or  
57 manufacture of firearms or ammunition.

58 (6) Nothing in this section shall prevent the state, a  
59 county, city, town, village or any other political subdivision  
60 from bringing an action against a firearms or ammunition  
61 manufacturer or dealer for breach of contract or warranty as to  
62 firearms or ammunition purchased by the state or such political  
63 subdivision.

64 **SECTION 3.** (1) All federal acts, laws, orders, rules and  
65 regulations, whether past, present or future, which infringe on  
66 the people's right to keep and bear arms as guaranteed by the  
67 Second Amendment to the United States Constitution and Article I,  
68 Section 12 of the Mississippi Constitution of 1890 shall be  
69 invalid in this state, shall not be recognized by this state,  
70 shall be specifically rejected by this state and have no effect in  
71 this state.



72           (2) Such federal acts, laws, orders, rules, and regulations  
73 which include any act ordering the confiscation of firearms,  
74 firearm accessories, or ammunition from law-abiding citizens.

75           (3) It shall be the duty of the courts and law enforcement  
76 agencies of this state to protect the rights of law-abiding  
77 citizens to keep and bear arms within the borders of this state  
78 and from the infringements in subsection (2) of this section.

79           (4) No public officer or employee of this state shall have  
80 any authority to enforce or attempt to enforce any of the  
81 infringements on the right to keep and bear arms included in  
82 subsection (2) of this section.

83           (5) Any official, agent, or employee of the United States  
84 government who enforces or attempts to enforce any of the  
85 infringements on the right to keep and bear arms included in  
86 subsection (2) of this section is guilty of a misdemeanor.

87           (6) Any Mississippi citizen who has been subject to an  
88 effort to enforce any of the infringements on the right to keep  
89 and bear arms included in subsection (2) of this section shall  
90 have a private cause of action for declaratory judgment and for  
91 damages against any person or entity attempting such enforcement.

92           **SECTION 4.** Section 45-9-51, Mississippi Code of 1972, is  
93 brought forward as follows:

94           45-9-51. (1) Subject to the provisions of Section 45-9-53,  
95 no county or municipality may adopt any ordinance that restricts



96 the possession, carrying, transportation, sale, transfer or  
97 ownership of firearms or ammunition or their components.

98 (2) No public housing authority operating in this state may  
99 adopt any rule or regulation restricting a lessee or tenant of a  
100 dwelling owned and operated by such public housing authority from  
101 lawfully possessing firearms or ammunition or their components  
102 within individual dwelling units or the transportation of such  
103 firearms or ammunition or their components to and from such  
104 dwelling.

105 **SECTION 5.** Section 45-9-53, Mississippi Code of 1972, is  
106 brought forward as follows:

107 45-9-53. (1) This section and Section 45-9-51 do not affect  
108 the authority that a county or municipality may have under another  
109 law:

110 (a) To require citizens or public employees to be armed  
111 for personal or national defense, law enforcement, or another  
112 lawful purpose;

113 (b) To regulate the discharge of firearms within the  
114 limits of the county or municipality. A county or municipality  
115 may not apply a regulation relating to the discharge of firearms  
116 or other weapons in the extraterritorial jurisdiction of the  
117 county or municipality or in an area annexed by the county or  
118 municipality after September 1, 1981, if the firearm or other  
119 weapon is:



120 (i) A shotgun, air rifle or air pistol, BB gun or  
121 bow and arrow discharged:

122 1. On a tract of land of ten (10) acres or  
123 more and more than one hundred fifty (150) feet from a residence  
124 or occupied building located on another property; and

125 2. In a manner not reasonably expected to  
126 cause a projectile to cross the boundary of the tract; or

127 (ii) A center fire or rimfire rifle or pistol or a  
128 muzzle-loading rifle or pistol of any caliber discharged:

129 1. On a tract of land of fifty (50) acres or  
130 more and more than three hundred (300) feet from a residence or  
131 occupied building located on another property; and

132 2. In a manner not reasonably expected to  
133 cause a projectile to cross the boundary of the tract;

134 (c) To regulate the use of property or location of  
135 businesses for uses therein pursuant to fire code, zoning  
136 ordinances, or land-use regulations, so long as such codes,  
137 ordinances and regulations are not used to circumvent the intent  
138 of Section 45-9-51 or paragraph (e) of this subsection;

139 (d) To regulate the use of firearms in cases of  
140 insurrection, riots and natural disasters in which the city finds  
141 such regulation necessary to protect the health and safety of the  
142 public. However, the provisions of this section shall not apply  
143 to the lawful possession of firearms, ammunition or components of  
144 firearms or ammunition;



145           (e) To regulate the storage or transportation of  
146 explosives in order to protect the health and safety of the  
147 public, with the exception of black powder which is exempt up to  
148 twenty-five (25) pounds per private residence and fifty (50)  
149 pounds per retail dealer;

150           (f) To regulate the carrying of a firearm at: (i) a  
151 public park or at a public meeting of a county, municipality or  
152 other governmental body; (ii) a political rally, parade or  
153 official political meeting; or (iii) a nonfirearm-related school,  
154 college or professional athletic event; or

155           (g) To regulate the receipt of firearms by pawnshops.

156           (2) The exception provided by subsection (1)(f) of this  
157 section does not apply if the firearm was in or carried to and  
158 from an area designated for use in a lawful hunting, fishing or  
159 other sporting event and the firearm is of the type commonly used  
160 in the activity.

161           (3) This section and Section 45-9-51 do not authorize a  
162 county or municipality or their officers or employees to act in  
163 contravention of Section 33-7-303.

164           (4) No county or a municipality may use the written notice  
165 provisions of Section 45-9-101(13) to prohibit concealed firearms  
166 on property under their control except:

167           (a) At a location listed in Section 45-9-101(13)  
168 indicating that a license issued under Section 45-9-101 does not  
169 authorize the holder to carry a firearm into that location, as



170 long as the sign also indicates that carrying a firearm is  
171 unauthorized only for license holders without a training  
172 endorsement or that it is a location included in Section  
173 97-37-7(2) where carrying a firearm is unauthorized for all  
174 license holders; and

175 (b) At any location under the control of the county or  
176 municipality aside from a location listed in subsection (1)(f) of  
177 this section or Section 45-9-101(13) indicating that the  
178 possession of a firearm is prohibited on the premises, as long as  
179 the sign also indicates that it does not apply to a person  
180 properly licensed under Section 45-9-101 or Section 97-37-7(2) to  
181 carry a concealed firearm or to a person lawfully carrying a  
182 firearm that is not concealed.

183 (5) (a) A citizen of this state, or a person licensed to  
184 carry a concealed pistol or revolver under Section 45-9-101, or a  
185 person licensed to carry a concealed pistol or revolver with the  
186 endorsement under Section 97-37-7, who is adversely affected by an  
187 ordinance or posted written notice adopted by a county or  
188 municipality in violation of this section may file suit for  
189 declarative and injunctive relief against a county or municipality  
190 in the circuit court which shall have jurisdiction over the county  
191 or municipality where the violation of this section occurs.

192 (b) Before instituting suit under this subsection, the  
193 party adversely impacted by the ordinance or posted written notice  
194 shall notify the Attorney General in writing of the violation and





195 include evidence of the violation. The Attorney General shall,  
196 within thirty (30) days, investigate whether the county or  
197 municipality adopted an ordinance or posted written notice in  
198 violation of this section and provide the chief administrative  
199 officer of the county or municipality notice of his findings,  
200 including, if applicable, a description of the violation and  
201 specific language of the ordinance or posted written notice found  
202 to be in violation. The county or municipality shall have thirty  
203 (30) days from receipt of that notice to cure the violation. If  
204 the county or municipality fails to cure the violation within that  
205 thirty-day time period, a suit under paragraph (a) of this  
206 subsection may proceed. The findings of the Attorney General  
207 shall constitute a "Public Record" as defined by the Mississippi  
208 Public Records Act of 1983, Section 25-61-1 et seq.

209 (c) If the circuit court finds that a county or  
210 municipality adopted an ordinance or posted written notice in  
211 violation of this section and failed to cure that violation in  
212 accordance with paragraph (b) of this subsection, the circuit  
213 court shall issue a permanent injunction against a county or  
214 municipality prohibiting it from enforcing the ordinance or posted  
215 written notice. Any elected county or municipal official under  
216 whose jurisdiction the violation occurred may be civilly liable in  
217 a sum not to exceed One Thousand Dollars (\$1,000.00), plus all  
218 reasonable attorney's fees and costs incurred by the party  
219 bringing the suit. Public funds may not be used to defend or



220 reimburse officials who are found by the court to have violated  
221 this section.

222 (d) It shall be an affirmative defense to any claim  
223 brought against an elected county or municipal official under this  
224 subsection (5) that the elected official:

225 (i) Did not vote in the affirmative for the  
226 adopted ordinance or posted written notice deemed by the court to  
227 be in violation of this section;

228 (ii) Did attempt to take recorded action to cure  
229 the violation as noticed by the Attorney General in paragraph (b)  
230 of this subsection; or

231 (iii) Did attempt to take recorded action to  
232 rescind the ordinance or remove the posted written notice deemed  
233 by the court to be in violation of this section.

234 (6) No county or municipality or their officers or employees  
235 may participate in any program in which individuals are given a  
236 thing of value provided by another individual or other entity in  
237 exchange for surrendering a firearm to the county, municipality or  
238 other governmental body unless:

239 (a) The county or municipality has adopted an ordinance  
240 authorizing the participation of the county or municipality, or  
241 participation by an officer or employee of the county or  
242 municipality in such a program; and

243 (b) Any ordinance enacted pursuant to this section must  
244 require that any firearm received shall be offered for sale at



245 auction as provided by Sections 19-3-85 and 21-39-21 to federally  
246 licensed firearms dealers, with the proceeds from such sale at  
247 auction reverting to the general operating fund of the county,  
248 municipality or other governmental body. Any firearm remaining in  
249 possession of the county, municipality or other governmental body  
250 after attempts to sell at auction may be disposed of in a manner  
251 that the body deems appropriate.

252         **SECTION 6.** Section 45-9-101, Mississippi Code of 1972, is  
253 brought forward as follows:

254         45-9-101. (1) (a) Except as otherwise provided, the  
255 Department of Public Safety is authorized to issue licenses to  
256 carry stun guns, concealed pistols or revolvers to persons  
257 qualified as provided in this section. Such licenses shall be  
258 valid throughout the state for a period of five (5) years from the  
259 date of issuance, except as provided in subsection (25) of this  
260 section. Any person possessing a valid license issued pursuant to  
261 this section may carry a stun gun, concealed pistol or concealed  
262 revolver.

263         (b) The licensee must carry the license, together with  
264 valid identification, at all times in which the licensee is  
265 carrying a stun gun, concealed pistol or revolver and must display  
266 both the license and proper identification upon demand by a law  
267 enforcement officer. A violation of the provisions of this  
268 paragraph (b) shall constitute a noncriminal violation with a



269 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable  
270 by summons.

271 (2) The Department of Public Safety shall issue a license if  
272 the applicant:

273 (a) Is a resident of the state. However, this  
274 residency requirement may be waived if the applicant possesses a  
275 valid permit from another state, is a member of any active or  
276 reserve component branch of the United States of America Armed  
277 Forces stationed in Mississippi, is the spouse of a member of any  
278 active or reserve component branch of the United States of America  
279 Armed Forces stationed in Mississippi, or is a retired law  
280 enforcement officer establishing residency in the state;

281 (b) (i) Is twenty-one (21) years of age or older; or

282 (ii) Is at least eighteen (18) years of age but  
283 not yet twenty-one (21) years of age and the applicant:

284 1. Is a member or veteran of the United  
285 States Armed Forces, including National Guard or Reserve; and

286 2. Holds a valid Mississippi driver's license  
287 or identification card issued by the Department of Public Safety  
288 or a valid and current tribal identification card issued by a  
289 federally recognized Indian tribe containing a photograph of the  
290 holder;

291 (c) Does not suffer from a physical infirmity which  
292 prevents the safe handling of a stun gun, pistol or revolver;



293 (d) Is not ineligible to possess a firearm by virtue of  
294 having been convicted of a felony in a court of this state, of any  
295 other state, or of the United States without having been pardoned  
296 or without having been expunged for same;

297 (e) Does not chronically or habitually abuse controlled  
298 substances to the extent that his normal faculties are impaired.  
299 It shall be presumed that an applicant chronically and habitually  
300 uses controlled substances to the extent that his faculties are  
301 impaired if the applicant has been voluntarily or involuntarily  
302 committed to a treatment facility for the abuse of a controlled  
303 substance or been found guilty of a crime under the provisions of  
304 the Uniform Controlled Substances Law or similar laws of any other  
305 state or the United States relating to controlled substances  
306 within a three-year period immediately preceding the date on which  
307 the application is submitted;

308 (f) Does not chronically and habitually use alcoholic  
309 beverages to the extent that his normal faculties are impaired.  
310 It shall be presumed that an applicant chronically and habitually  
311 uses alcoholic beverages to the extent that his normal faculties  
312 are impaired if the applicant has been voluntarily or  
313 involuntarily committed as an alcoholic to a treatment facility or  
314 has been convicted of two (2) or more offenses related to the use  
315 of alcohol under the laws of this state or similar laws of any  
316 other state or the United States within the three-year period



317 immediately preceding the date on which the application is  
318 submitted;

319 (g) Desires a legal means to carry a stun gun,  
320 concealed pistol or revolver to defend himself;

321 (h) Has not been adjudicated mentally incompetent, or  
322 has waited five (5) years from the date of his restoration to  
323 capacity by court order;

324 (i) Has not been voluntarily or involuntarily committed  
325 to a mental institution or mental health treatment facility unless  
326 he possesses a certificate from a psychiatrist licensed in this  
327 state that he has not suffered from disability for a period of  
328 five (5) years;

329 (j) Has not had adjudication of guilt withheld or  
330 imposition of sentence suspended on any felony unless three (3)  
331 years have elapsed since probation or any other conditions set by  
332 the court have been fulfilled;

333 (k) Is not a fugitive from justice; and

334 (l) Is not disqualified to possess a weapon based on  
335 federal law.

336 (3) The Department of Public Safety may deny a license if  
337 the applicant has been found guilty of one or more crimes of  
338 violence constituting a misdemeanor unless three (3) years have  
339 elapsed since probation or any other conditions set by the court  
340 have been fulfilled or expunction has occurred prior to the date  
341 on which the application is submitted, or may revoke a license if



342 the licensee has been found guilty of one or more crimes of  
343 violence within the preceding three (3) years. The department  
344 shall, upon notification by a law enforcement agency or a court  
345 and subsequent written verification, suspend a license or the  
346 processing of an application for a license if the licensee or  
347 applicant is arrested or formally charged with a crime which would  
348 disqualify such person from having a license under this section,  
349 until final disposition of the case. The provisions of subsection  
350 (7) of this section shall apply to any suspension or revocation of  
351 a license pursuant to the provisions of this section.

352 (4) The application shall be completed, under oath, on a  
353 form promulgated by the Department of Public Safety and shall  
354 include only:

355 (a) The name, address, place and date of birth, race,  
356 sex and occupation of the applicant;

357 (b) The driver's license number or social security  
358 number of applicant;

359 (c) Any previous address of the applicant for the two  
360 (2) years preceding the date of the application;

361 (d) A statement that the applicant is in compliance  
362 with criteria contained within subsections (2) and (3) of this  
363 section;

364 (e) A statement that the applicant has been furnished a  
365 copy of this section and is knowledgeable of its provisions;



366 (f) A conspicuous warning that the application is  
367 executed under oath and that a knowingly false answer to any  
368 question, or the knowing submission of any false document by the  
369 applicant, subjects the applicant to criminal prosecution; and

370 (g) A statement that the applicant desires a legal  
371 means to carry a stun gun, concealed pistol or revolver to defend  
372 himself.

373 (5) The applicant shall submit only the following to the  
374 Department of Public Safety:

375 (a) A completed application as described in subsection  
376 (4) of this section;

377 (b) A full-face photograph of the applicant taken  
378 within the preceding thirty (30) days in which the head, including  
379 hair, in a size as determined by the Department of Public Safety,  
380 except that an applicant who is younger than twenty-one (21) years  
381 of age must submit a photograph in profile of the applicant;

382 (c) A nonrefundable license fee of Eighty Dollars  
383 (\$80.00). Costs for processing the set of fingerprints as  
384 required in paragraph (d) of this subsection shall be borne by the  
385 applicant. Honorably retired law enforcement officers, disabled  
386 veterans and active duty members of the Armed Forces of the United  
387 States, and law enforcement officers employed with a law  
388 enforcement agency of a municipality, county or state at the time  
389 of application for the license, shall be exempt from the payment  
390 of the license fee;





391 (d) A full set of fingerprints of the applicant  
392 administered by the Department of Public Safety; and

393 (e) A waiver authorizing the Department of Public  
394 Safety access to any records concerning commitments of the  
395 applicant to any of the treatment facilities or institutions  
396 referred to in subsection (2) of this section and permitting  
397 access to all the applicant's criminal records.

398 (6) (a) The Department of Public Safety, upon receipt of  
399 the items listed in subsection (5) of this section, shall forward  
400 the full set of fingerprints of the applicant to the appropriate  
401 agencies for state and federal processing.

402 (b) The Department of Public Safety shall forward a  
403 copy of the applicant's application to the sheriff of the  
404 applicant's county of residence and, if applicable, the police  
405 chief of the applicant's municipality of residence. The sheriff  
406 of the applicant's county of residence, and, if applicable, the  
407 police chief of the applicant's municipality of residence may, at  
408 his discretion, participate in the process by submitting a  
409 voluntary report to the Department of Public Safety containing any  
410 readily discoverable prior information that he feels may be  
411 pertinent to the licensing of any applicant. The reporting shall  
412 be made within thirty (30) days after the date he receives the  
413 copy of the application. Upon receipt of a response from a  
414 sheriff or police chief, such sheriff or police chief shall be  
415 reimbursed at a rate set by the department.



416 (c) The Department of Public Safety shall, within  
417 forty-five (45) days after the date of receipt of the items listed  
418 in subsection (5) of this section:

419 (i) Issue the license;

420 (ii) Deny the application based solely on the  
421 ground that the applicant fails to qualify under the criteria  
422 listed in subsections (2) and (3) of this section. If the  
423 Department of Public Safety denies the application, it shall  
424 notify the applicant in writing, stating the ground for denial,  
425 and the denial shall be subject to the appeal process set forth in  
426 subsection (7); or

427 (iii) Notify the applicant that the department is  
428 unable to make a determination regarding the issuance or denial of  
429 a license within the forty-five-day period prescribed by this  
430 subsection, and provide an estimate of the amount of time the  
431 department will need to make the determination.

432 (d) In the event a legible set of fingerprints, as  
433 determined by the Department of Public Safety and the Federal  
434 Bureau of Investigation, cannot be obtained after a minimum of two  
435 (2) attempts, the Department of Public Safety shall determine  
436 eligibility based upon a name check by the Mississippi Highway  
437 Safety Patrol and a Federal Bureau of Investigation name check  
438 conducted by the Mississippi Highway Safety Patrol at the request  
439 of the Department of Public Safety.



440           (7) (a) If the Department of Public Safety denies the  
441 issuance of a license, or suspends or revokes a license, the party  
442 aggrieved may appeal such denial, suspension or revocation to the  
443 Commissioner of Public Safety, or his authorized agent, within  
444 thirty (30) days after the aggrieved party receives written notice  
445 of such denial, suspension or revocation. The Commissioner of  
446 Public Safety, or his duly authorized agent, shall rule upon such  
447 appeal within thirty (30) days after the appeal is filed and  
448 failure to rule within this thirty-day period shall constitute  
449 sustaining such denial, suspension or revocation. Such review  
450 shall be conducted pursuant to such reasonable rules and  
451 regulations as the Commissioner of Public Safety may adopt.

452           (b) If the revocation, suspension or denial of issuance  
453 is sustained by the Commissioner of Public Safety, or his duly  
454 authorized agent pursuant to paragraph (a) of this subsection, the  
455 aggrieved party may file within ten (10) days after the rendition  
456 of such decision a petition in the circuit or county court of his  
457 residence for review of such decision. A hearing for review shall  
458 be held and shall proceed before the court without a jury upon the  
459 record made at the hearing before the Commissioner of Public  
460 Safety or his duly authorized agent. No such party shall be  
461 allowed to carry a stun gun, concealed pistol or revolver pursuant  
462 to the provisions of this section while any such appeal is  
463 pending.



464           (8) The Department of Public Safety shall maintain an  
465 automated listing of license holders and such information shall be  
466 available online, upon request, at all times, to all law  
467 enforcement agencies through the Mississippi Crime Information  
468 Center. However, the records of the department relating to  
469 applications for licenses to carry stun guns, concealed pistols or  
470 revolvers and records relating to license holders shall be exempt  
471 from the provisions of the Mississippi Public Records Act of 1983,  
472 and shall be released only upon order of a court having proper  
473 jurisdiction over a petition for release of the record or records.

474           (9) Within thirty (30) days after the changing of a  
475 permanent address, or within thirty (30) days after having a  
476 license lost or destroyed, the licensee shall notify the  
477 Department of Public Safety in writing of such change or loss.  
478 Failure to notify the Department of Public Safety pursuant to the  
479 provisions of this subsection shall constitute a noncriminal  
480 violation with a penalty of Twenty-five Dollars (\$25.00) and shall  
481 be enforceable by a summons.

482           (10) In the event that a stun gun, concealed pistol or  
483 revolver license is lost or destroyed, the person to whom the  
484 license was issued shall comply with the provisions of subsection  
485 (9) of this section and may obtain a duplicate, or substitute  
486 thereof, upon payment of Fifteen Dollars (\$15.00) to the  
487 Department of Public Safety, and furnishing a notarized statement  
488 to the department that such license has been lost or destroyed.



489           (11) A license issued under this section shall be revoked if  
490 the licensee becomes ineligible under the criteria set forth in  
491 subsection (2) of this section.

492           (12) (a) Except as provided in subsection (25) of this  
493 section, no less than ninety (90) days prior to the expiration  
494 date of the license, the Department of Public Safety shall mail to  
495 each licensee a written notice of the expiration and a renewal  
496 form prescribed by the department. The licensee must renew his  
497 license on or before the expiration date by filing with the  
498 department the renewal form, a notarized affidavit stating that  
499 the licensee remains qualified pursuant to the criteria specified  
500 in subsections (2) and (3) of this section, and a full set of  
501 fingerprints administered by the Department of Public Safety or  
502 the sheriff of the county of residence of the licensee. The first  
503 renewal may be processed by mail and the subsequent renewal must  
504 be made in person. Thereafter every other renewal may be  
505 processed by mail to assure that the applicant must appear in  
506 person every ten (10) years for the purpose of obtaining a new  
507 photograph.

508                       (i) Except as provided in this subsection, a  
509 renewal fee of Forty Dollars (\$40.00) shall also be submitted  
510 along with costs for processing the fingerprints;

511                       (ii) Honorably retired law enforcement officers,  
512 disabled veterans, active duty members of the Armed Forces of the  
513 United States and law enforcement officers employed with a law



514 enforcement agency of a municipality, county or state at the time  
515 of renewal, shall be exempt from the renewal fee; and

516 (iii) The renewal fee for a Mississippi resident  
517 aged sixty-five (65) years of age or older shall be Twenty Dollars  
518 (\$20.00).

519 (b) The Department of Public Safety shall forward the  
520 full set of fingerprints of the applicant to the appropriate  
521 agencies for state and federal processing. The license shall be  
522 renewed upon receipt of the completed renewal application and  
523 appropriate payment of fees.

524 (c) A licensee who fails to file a renewal application  
525 on or before its expiration date must renew his license by paying  
526 a late fee of Fifteen Dollars (\$15.00). No license shall be  
527 renewed six (6) months or more after its expiration date, and such  
528 license shall be deemed to be permanently expired. A person whose  
529 license has been permanently expired may reapply for licensure;  
530 however, an application for licensure and fees pursuant to  
531 subsection (5) of this section must be submitted, and a background  
532 investigation shall be conducted pursuant to the provisions of  
533 this section.

534 (13) No license issued pursuant to this section shall  
535 authorize any person, except a law enforcement officer as defined  
536 in Section 45-6-3 with a distinct license authorized by the  
537 Department of Public Safety, to carry a stun gun, concealed pistol  
538 or revolver into any place of nuisance as defined in Section



539 95-3-1, Mississippi Code of 1972; any police, sheriff or highway  
540 patrol station; any detention facility, prison or jail; any  
541 courthouse; any courtroom, except that nothing in this section  
542 shall preclude a judge from carrying a concealed weapon or  
543 determining who will carry a concealed weapon in his courtroom;  
544 any polling place; any meeting place of the governing body of any  
545 governmental entity; any meeting of the Legislature or a committee  
546 thereof; any school, college or professional athletic event not  
547 related to firearms; any portion of an establishment, licensed to  
548 dispense alcoholic beverages for consumption on the premises, that  
549 is primarily devoted to dispensing alcoholic beverages; any  
550 portion of an establishment in which beer, light spirit product or  
551 light wine is consumed on the premises, that is primarily devoted  
552 to such purpose; any elementary or secondary school facility; any  
553 junior college, community college, college or university facility  
554 unless for the purpose of participating in any authorized  
555 firearms-related activity; inside the passenger terminal of any  
556 airport, except that no person shall be prohibited from carrying  
557 any legal firearm into the terminal if the firearm is encased for  
558 shipment, for purposes of checking such firearm as baggage to be  
559 lawfully transported on any aircraft; any church or other place of  
560 worship, except as provided in Section 45-9-171; or any place  
561 where the carrying of firearms is prohibited by federal law. In  
562 addition to the places enumerated in this subsection, the carrying  
563 of a stun gun, concealed pistol or revolver may be disallowed in



564 any place in the discretion of the person or entity exercising  
565 control over the physical location of such place by the placing of  
566 a written notice clearly readable at a distance of not less than  
567 ten (10) feet that the "carrying of a pistol or revolver is  
568 prohibited." No license issued pursuant to this section shall  
569 authorize the participants in a parade or demonstration for which  
570 a permit is required to carry a stun gun, concealed pistol or  
571 revolver.

572 (14) A law enforcement officer as defined in Section 45-6-3,  
573 chiefs of police, sheriffs and persons licensed as professional  
574 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of  
575 1972, shall be exempt from the licensing requirements of this  
576 section.

577 (a) The Commissioner of Public Safety shall promulgate  
578 rules and regulations to provide licenses to law enforcement  
579 officers as defined in Section 45-6-3 who choose to obtain a  
580 license under the provisions of this section, which shall include  
581 a distinction that the officer is an "active duty" law enforcement  
582 officer and an endorsement that such officer is authorized to  
583 carry in the locations listed in subsection (13). A law  
584 enforcement officer shall provide the following information to  
585 receive the license described in this subsection: (i) a letter,  
586 with the official letterhead of the agency or department for which  
587 the officer is employed at the time of application and (ii) a  
588 letter with the official letterhead of the agency or department,





589 which explains that such officer has completed a certified law  
590 enforcement training academy.

591 (b) The licensing requirements of this section do not  
592 apply to the carrying by any person of a stun gun, pistol or  
593 revolver, knife, or other deadly weapon that is not concealed as  
594 defined in Section 97-37-1.

595 (15) Any person who knowingly submits a false answer to any  
596 question on an application for a license issued pursuant to this  
597 section, or who knowingly submits a false document when applying  
598 for a license issued pursuant to this section, shall, upon  
599 conviction, be guilty of a misdemeanor and shall be punished as  
600 provided in Section 99-19-31, Mississippi Code of 1972.

601 (16) All fees collected by the Department of Public Safety  
602 pursuant to this section shall be deposited into a special fund  
603 hereby created in the State Treasury and shall be used for  
604 implementation and administration of this section. After the  
605 close of each fiscal year, the balance in this fund shall be  
606 certified to the Legislature and then may be used by the  
607 Department of Public Safety as directed by the Legislature.

608 (17) All funds received by a sheriff or police chief  
609 pursuant to the provisions of this section shall be deposited into  
610 the general fund of the county or municipality, as appropriate,  
611 and shall be budgeted to the sheriff's office or police department  
612 as appropriate.



613           (18) Nothing in this section shall be construed to require  
614 or allow the registration, documentation or providing of serial  
615 numbers with regard to any stun gun or firearm.

616           (19) Any person holding a valid unrevoked and unexpired  
617 license to carry stun guns, concealed pistols or revolvers issued  
618 in another state shall have such license recognized by this state  
619 to carry stun guns, concealed pistols or revolvers. The  
620 Department of Public Safety is authorized to enter into a  
621 reciprocal agreement with another state if that state requires a  
622 written agreement in order to recognize licenses to carry stun  
623 guns, concealed pistols or revolvers issued by this state.

624           (20) The provisions of this section shall be under the  
625 supervision of the Commissioner of Public Safety. The  
626 commissioner is authorized to promulgate reasonable rules and  
627 regulations to carry out the provisions of this section.

628           (21) For the purposes of this section, the term "stun gun"  
629 means a portable device or weapon from which an electric current,  
630 impulse, wave or beam may be directed, which current, impulse,  
631 wave or beam is designed to incapacitate temporarily, injure,  
632 momentarily stun, knock out, cause mental disorientation or  
633 paralyze.

634           (22) (a) From and after January 1, 2016, the Commissioner  
635 of Public Safety shall promulgate rules and regulations which  
636 provide that licenses authorized by this section for honorably  
637 retired law enforcement officers and honorably retired



638 correctional officers from the Mississippi Department of  
639 Corrections shall (i) include the words "retired law enforcement  
640 officer" on the front of the license, and (ii) unless the licensee  
641 chooses to have this license combined with a driver's license or  
642 identification card under subsection (25) of this section, that  
643 the license itself have a red background to distinguish it from  
644 other licenses issued under this section.

645 (b) An honorably retired law enforcement officer and  
646 honorably retired correctional officer shall provide the following  
647 information to receive the license described in this section: (i)  
648 a letter, with the official letterhead of the agency or department  
649 from which such officer is retiring, which explains that such  
650 officer is honorably retired, and (ii) a letter with the official  
651 letterhead of the agency or department, which explains that such  
652 officer has completed a certified law enforcement training  
653 academy.

654 (23) A disabled veteran who seeks to qualify for an  
655 exemption under this section shall be required to provide a  
656 veterans health services identification card issued by the United  
657 States Department of Veterans Affairs indicating a  
658 service-connected disability, which shall be sufficient proof of  
659 such service-connected disability.

660 (24) A license under this section is not required for a  
661 loaded or unloaded pistol or revolver to be carried upon the  
662 person in a sheath, belt holster or shoulder holster or in a



663 purse, handbag, satchel, other similar bag or briefcase or fully  
664 enclosed case if the person is not engaged in criminal activity  
665 other than a misdemeanor traffic offense, is not otherwise  
666 prohibited from possessing a pistol or revolver under state or  
667 federal law, and is not in a location prohibited under subsection  
668 (13) of this section. However, the medical use of medical  
669 cannabis by a cardholder who is a registered qualifying patient  
670 which is lawful under the provisions of the Mississippi Medical  
671 Cannabis Act and in compliance with rules and regulations adopted  
672 thereunder shall not disqualify a person under this subsection  
673 (24) solely because the person is prohibited from possessing a  
674 firearm under 18 USCS Section 922(g) (3) due to such medical use of  
675 medical cannabis.

676 (25) An applicant for a license under this section shall  
677 have the option of, instead of being issued a separate card for  
678 the license, having the license appear as a notation on the  
679 individual's driver's license or identification card. If the  
680 applicant chooses this option, the license issued under this  
681 section shall have the same expiration date as the driver's  
682 license or identification card, and renewal shall take place at  
683 the same time and place as renewal of the driver's license or  
684 identification card. The Commissioner of Public Safety shall have  
685 the authority to promulgate rules and regulations which may be  
686 necessary to ensure the effectiveness of the concurrent  
687 application and renewal processes.



688           **SECTION 7.** Section 97-37-7, Mississippi Code of 1972, is  
689 brought forward as follows:

690           97-37-7. (1) (a) It shall not be a violation of Section  
691 97-37-1 or any other statute for pistols, firearms or other  
692 suitable and appropriate weapons to be carried by duly constituted  
693 bank guards, company guards, watchmen, railroad special agents or  
694 duly authorized representatives who are not sworn law enforcement  
695 officers, agents or employees of a patrol service, guard service,  
696 or a company engaged in the business of transporting money,  
697 securities or other valuables, while actually engaged in the  
698 performance of their duties as such, provided that such persons  
699 have made a written application and paid a nonrefundable permit  
700 fee of One Hundred Dollars (\$100.00) to the Department of Public  
701 Safety.

702           (b) No permit shall be issued to any person who has  
703 ever been convicted of a felony under the laws of this or any  
704 other state or of the United States. To determine an applicant's  
705 eligibility for a permit, the person shall be fingerprinted. If  
706 no disqualifying record is identified at the state level, the  
707 fingerprints shall be forwarded by the Department of Public Safety  
708 to the Federal Bureau of Investigation for a national criminal  
709 history record check. The department shall charge a fee which  
710 includes the amounts required by the Federal Bureau of  
711 Investigation and the department for the national and state  
712 criminal history record checks and any necessary costs incurred by



713 the department for the handling and administration of the criminal  
714 history background checks. In the event a legible set of  
715 fingerprints, as determined by the Department of Public Safety and  
716 the Federal Bureau of Investigation, cannot be obtained after a  
717 minimum of three (3) attempts, the Department of Public Safety  
718 shall determine eligibility based upon a name check by the  
719 Mississippi Highway Safety Patrol and a Federal Bureau of  
720 Investigation name check conducted by the Mississippi Highway  
721 Safety Patrol at the request of the Department of Public Safety.

722 (c) A person may obtain a duplicate of a lost or  
723 destroyed permit upon payment of a Fifteen Dollar (\$15.00)  
724 replacement fee to the Department of Public Safety, if he  
725 furnishes a notarized statement to the department that the permit  
726 has been lost or destroyed.

727 (d) (i) No less than ninety (90) days prior to the  
728 expiration date of a permit, the Department of Public Safety shall  
729 mail to the permit holder written notice of expiration together  
730 with the renewal form prescribed by the department. The permit  
731 holder shall renew the permit on or before the expiration date by  
732 filing with the department the renewal form, a notarized affidavit  
733 stating that the permit holder remains qualified, and the renewal  
734 fee of Fifty Dollars (\$50.00); honorably retired law enforcement  
735 officers shall be exempt from payment of the renewal fee. A  
736 permit holder who fails to file a renewal application on or before



737 its expiration date shall pay a late fee of Fifteen Dollars  
738 (\$15.00).

739 (ii) Renewal of the permit shall be required every  
740 four (4) years. The permit of a qualified renewal applicant shall  
741 be renewed upon receipt of the completed renewal application and  
742 appropriate payment of fees.

743 (iii) A permit cannot be renewed six (6) months or  
744 more after its expiration date, and such permit shall be deemed to  
745 be permanently expired; the holder may reapply for an original  
746 permit as provided in this section.

747 (2) It shall not be a violation of this or any other statute  
748 for pistols, firearms or other suitable and appropriate weapons to  
749 be carried by Department of Wildlife, Fisheries and Parks law  
750 enforcement officers, railroad special agents who are sworn law  
751 enforcement officers, investigators employed by the Attorney  
752 General, criminal investigators employed by the district  
753 attorneys, all prosecutors, public defenders, investigators or  
754 probation officers employed by the Department of Corrections,  
755 employees of the State Auditor who are authorized by the State  
756 Auditor to perform investigative functions, or any deputy fire  
757 marshal or investigator employed by the State Fire Marshal, while  
758 engaged in the performance of their duties as such, or by fraud  
759 investigators with the Department of Human Services, or by judges  
760 of the Mississippi Supreme Court, Court of Appeals, circuit,  
761 chancery, county, justice and municipal courts, or by coroners.



762 Before any person shall be authorized under this subsection to  
763 carry a weapon, he shall complete a weapons training course  
764 approved by the Board of Law Enforcement Officer Standards and  
765 Training. Before any criminal investigator employed by a district  
766 attorney shall be authorized under this section to carry a pistol,  
767 firearm or other weapon, he shall have complied with Section  
768 45-6-11 or any training program required for employment as an  
769 agent of the Federal Bureau of Investigation. A law enforcement  
770 officer, as defined in Section 45-6-3, shall be authorized to  
771 carry weapons in courthouses in performance of his official  
772 duties. A person licensed under Section 45-9-101 to carry a  
773 concealed pistol, who (a) has voluntarily completed an  
774 instructional course in the safe handling and use of firearms  
775 offered by an instructor certified by a nationally recognized  
776 organization that customarily offers firearms training, or by any  
777 other organization approved by the Department of Public Safety,  
778 (b) is a member or veteran of any active or reserve component  
779 branch of the United States of America Armed Forces having  
780 completed law enforcement or combat training with pistols or other  
781 handguns as recognized by such branch after submitting an  
782 affidavit attesting to have read, understand and agree to comply  
783 with all provisions of the enhanced carry law, or (c) is an  
784 honorably retired law enforcement officer or honorably retired  
785 member or veteran of any active or reserve component branch of the  
786 United States of America Armed Forces having completed law





787 enforcement or combat training with pistols or other handguns,  
788 after submitting an affidavit attesting to have read, understand  
789 and agree to comply with all provisions of Mississippi enhanced  
790 carry law shall also be authorized to carry weapons in courthouses  
791 except in courtrooms during a judicial proceeding, and any  
792 location listed in subsection (13) of Section 45-9-101, except any  
793 place of nuisance as defined in Section 95-3-1, any police,  
794 sheriff or highway patrol station or any detention facility,  
795 prison or jail. For the purposes of this subsection (2),  
796 component branch of the United States Armed Forces includes the  
797 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army  
798 National Guard, the Army National Guard of the United States, the  
799 Air National Guard or the Air National Guard of the United States,  
800 as those terms are defined in Section 101, Title 10, United States  
801 Code, and any other reserve component of the United States Armed  
802 Forces enumerated in Section 10101, Title 10, United States Code.  
803 The department shall promulgate rules and regulations allowing  
804 concealed pistol permit holders to obtain an endorsement on their  
805 permit indicating that they have completed the aforementioned  
806 course and have the authority to carry in these locations. This  
807 section shall in no way interfere with the right of a trial judge  
808 to restrict the carrying of firearms in the courtroom.

809 For purposes of this subsection (2), the following words  
810 shall have the meanings described herein, unless the context  
811 otherwise requires:



812                   (i) "Courthouse" means any building in which a  
813 circuit court, chancery court, youth court, municipal court,  
814 justice court or any appellate court is located, or any building  
815 in which a court of law is regularly held.

816                   (ii) "Courtroom" means the actual room in which a  
817 judicial proceeding occurs, including any jury room, witness room,  
818 judge's chamber, office housing the judge's staff, or similar  
819 room. "Courtroom" shall not mean hallways, courtroom entrances,  
820 courthouse grounds, lobbies, corridors, or other areas within a  
821 courthouse which are generally open to the public for the  
822 transaction of business outside of an active judicial proceeding,  
823 the grassed areas, cultivated flower beds, sidewalks, parking  
824 lots, or other areas contained within the boundaries of the public  
825 land upon which the courthouse is located.

826           (3) It shall not be a violation of this or any other statute  
827 for pistols, firearms or other suitable and appropriate weapons,  
828 to be carried by any out-of-state, full-time commissioned law  
829 enforcement officer who holds a valid commission card from the  
830 appropriate out-of-state law enforcement agency and a photo  
831 identification. The provisions of this subsection shall only  
832 apply if the state where the out-of-state officer is employed has  
833 entered into a reciprocity agreement with the state that allows  
834 full-time commissioned law enforcement officers in Mississippi to  
835 lawfully carry or possess a weapon in such other states. The  
836 Commissioner of Public Safety is authorized to enter into



837 reciprocal agreements with other states to carry out the  
838 provisions of this subsection.

839 **SECTION 8.** Section 97-37-9, Mississippi Code of 1972, is  
840 brought forward as follows:

841 97-37-9. Any person indicted or charged for a violation of  
842 Section 97-37-1 may show as a defense:

843 (a) That he was threatened, and had good and sufficient  
844 reason to apprehend a serious attack from any enemy, and that he  
845 did so apprehend; or

846 (b) That he was traveling and was not a tramp, or was  
847 setting out on a journey and was not a tramp; or

848 (c) That he was a law enforcement or peace officer in  
849 the discharge of his duties; or

850 (d) That he was at the time in the discharge of his  
851 duties as a mail carrier; or

852 (e) That he was at the time engaged in transporting  
853 valuables for an express company or bank; or

854 (f) That he was a member of the Armed Forces of the  
855 United States, National Guard, State Militia, Emergency Management  
856 Corps, guard or patrolman in a state or municipal institution  
857 while in the performance of his official duties; or

858 (g) That he was in lawful pursuit of a felon; or

859 (h) That he was lawfully engaged in legitimate sports;

860 (i) That at the time he was a company guard, bank  
861 guard, watchman, or other person enumerated in Section 97-37-7,



862 and was then actually engaged in the performance of his duties as  
863 such, and then held a valid permit from the sheriff, the  
864 commissioner of public safety, or a valid permit issued by the  
865 Secretary of State prior to May 1, 1974, to carry the weapon; and  
866 the burden of proving either of said defenses shall be on the  
867 accused; or

868 (j) That at the time he or she was a member of a church  
869 or place of worship security program, and was then actually  
870 engaged in the performance of his or her duties as such and met  
871 the requirements of Section 45-9-171.

872 **SECTION 9.** The provisions of this act shall not be  
873 applicable to universities, colleges, community or junior  
874 colleges.

875 **SECTION 10.** This act shall take effect and be in force from  
876 and after July 1, 2023.

